

## CITY COMMISSION MINUTES

April 7, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, April 7, 2009 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager, Rod Barnes, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person.)*

None.

### CONSENT AGENDA

Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **March 17, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated March 12, 2009 to April 1, 2009 in the amount of \$2,411,939.82
- c. The consideration and approval for **Pay Estimate #2** in the amount of \$14,471.95 by HWS for Professional Services through February 28, 2009 on the Spring Valley Road – Fox Sparrow Ct to Sutter Woods Rd. project.
- d. The consideration and approval for **Pay Estimate #3** by Ebert Construction Co., Inc. in the amount of \$343,706.74 for the Spring Valley Rd – Fox Sparrow Ct to Sutter Woods Road project for construction services through March 31, 2009. This project is 42.12% complete.
- e. The consideration and approval for **Pay Estimate #5** by Middlecreek Corporation in the amount of \$68,417.10 for construction services through March 23, 2009 on the K-18 and Karns project. The project is 73% complete as of this pay estimate.
- f. The consideration and approval of **Pay Estimate #6** in the amount of \$200,936.94 By Larkin Excavating, Inc. for Construction services through March 26, 2009 for the Spring Valley Road – McFarland Road to Wildcat Lane project. This project is 82.8% complete as of this pay estimate.
- g. The consideration and approval of **Pay Estimate #8** by Konza Construction Co., Inc. in the amount of \$322,468.38 for Construction services through March 30, 2009 on the Rucker road – Whitney to US-77 project. This project is 52.3% complete as of this pay estimate.

- h. The Consideration and approval of **Pay Estimate # 19**, in the amount of \$12,896.53, by BG Consultants for Construction Management services through February 28, 2009 for the Rucker Road – US-77 to Whitney project.
- i. The consideration and approval of a **2009 Cereal Malt Beverage License** for Keyzion Inc. located at 813 S. Washington.
- j. The consideration and approval of **Payroll #6 and #7** for the month of March 2009; in the amounts of \$214,886.33 (payroll #6), and \$218,427.32 (payroll #7).
- k. The consideration and approval of **Home Grant payment** to Craig Wolfe Painting in the amount of \$20,811.00, and Hernly Associates \$3,322.28.

**L. Water Department Monthly Reports**

**APPOINTMENTS**

- a. The consideration and approval of the appointment of Leon Osbourn to **(1)** the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March, 2011; and **(2)** the 8<sup>th</sup> Judicial District Corrections Advisory Juvenile Board for a term of three years ending March, 2012. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the appointment of Leon Osbourn to the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March 2011 and to approve the appointment of Leon Osbourn to the 8<sup>th</sup> Judicial District Correction Advisory Juvenile Board for a term of three years ending March 2012. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of the appointment of Brad Scholz to **(1)** the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March, 2011; and **(2)** the 8<sup>th</sup> Judicial District Corrections Advisory Juvenile Board for a term of three years ending March, 2012. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the appointment of Brad Scholz to the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March 2011 and to approve the appointment of Brad Scholz to the 8<sup>th</sup> Judicial District Correction Advisory Juvenile Board for a term of three years ending March 2012. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of the appointment of Gary West to **(1)** the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March, 2011; and **(2)** the 8<sup>th</sup> Judicial District Corrections Advisory Juvenile Board for a term of three years ending March, 2012. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the appointment of Gary West to the 8<sup>th</sup> Judicial District Corrections Advisory Adult Board for a term of two years ending March 2011 and to approve the appointment of Gary West to the 8<sup>th</sup> Judicial District Correction Advisory Juvenile Board for a term of three years ending March 2012. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of a **City appointment and a joint City/County appointment** to the Junction City/Geary County Economic Development Commission (Ken Mortensen, Gary Drake, and Ty Arneson have been recommended by the EDC Board.) Economic Development Director, Jeffrey Black, informed the Commission that the Economic Development Board nominated three people for two board positions (Ken Mortensen, Gary Drake and Ty Arneson). The EDC Board recommended Ken Mortensen as the City-appointment member. If Mr. Mortensen is not selected, the EDC Board recommends Gary Drake as the City appointed member. Mr. Black stated that the County had submitted

David Alexander for the joint City-County appointment. The County made this recommendation before the EDC Board held their monthly meeting to make their recommendations. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the City appointment of Ty Arneson and the joint City/County appointment of Gary Drake to the Economic Development Commission. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Taylor thanked all of the citizens who submitted board interest cards to the EDC Board. Commissioner Rhodes stated that it was nice to have a good group of people to select from for the board appointments.

## UNFINISHED BUSINESS

- a. The consideration and approval of **Ordinance S-3055** for annexation of the tract of property owned by Martin and Richard Schmedemann and located east of Dakota Lane and south of Liberty Hall Road (**Final Reading**). Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-3055 for annexation of the tract of property owned by Martin and Richard Schmedemann and located east of Dakota Lane and south of Liberty Hall Road (Final Reading). Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two.

## NEW BUSINESS

- a. The consideration and approval of an **Amendment to Junction City/Grandview Plaza water contract**. City Manager, Rod Barnes, informed the Commission the Grandview Plaza City Attorney prepared the amendment. Under the current agreement, the City of Junction City supplies Grandview Plaza with 270 gallons of water per minute at peak flow for a total of up to 390,000 gallons of water per day. Under the amendment, Grandview Plaza is requesting 450 gallons of water per minute at peak flow for a total of up to 648,000 gallons of water per day. Commissioner Talley inquired if Grandview Plaza's water needs were being met currently and if future needs could be met at the current rate. Mayor Gerry Bielefeld stated that Grandview Plaza's water needs are being met and they have enough water for the new project; however, if water was needed for fire suppression, their water needs would not be met at the current levels. Commissioner Talley stated that he was opposed to the increase because he feels single family homes should be built instead of apartments. Mr. Barnes stated that Burns & McDonnell reviewed the proposal and provided their opinion that Junction City has plenty of pumping capabilities and Grandview Plaza's need can be supplied. Commissioner Rhodes stated he was concerned how both communities' need would be supplied if both communities experienced a catastrophic event at the same time. Commissioner Rhodes stated that he didn't feel that Burns & McDonnell's opinion took into account if both communities' water needs could be met if they both experienced a disaster. Mr. Barnes stated that this issue could be researched and brought back to the Commission. Commissioner Rhodes moved, seconded by Commissioner Taylor to have the Engineering firm make a recommendation if both communities experience a catastrophic event how both communities would have adequate water supply to handle both situations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of a Home Rule **Ordinance S-3058** of the City of Junction City, Kansas, authorizing the issuance of General Obligation Bonds of the City to provide funds for a Supplemental Economic Development Grant to be used in connection with the renovation of the Junction City Opera House. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Home Rule Ordinance S-3058 of the City of Junction City authorizing the issuance of General Obligation Bonds of the City to provide funds for a Supplemental Economic Development Grant to be used in connection with the renovation

of the Junction City Opera House. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to zero with one abstention.

1. Mayor Wunder moved, seconded by Commissioner Rhodes to request a **Declaration of emergency for Ordinance S-3058** authorizing the issuance of General Obligation Bonds of the City to provide funds for a Supplemental Economic Development Grant to be used in connection with the renovation of the Junction City Opera House. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to zero with one abstention.
  2. The consideration and approval of a Home Rule **Ordinance S-3058** of the City of Junction City, Kansas, authorizing the issuance of General Obligation Bonds of the City to provide funds for a Supplemental Economic Development Grant to be used in connection with the renovation of the Junction City Opera House (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Home Rule Ordinance S-3058 of the City of Junction City authorizing the issuance of General Obligation Bonds of the City to provide funds for a Supplemental Economic Development Grant to be used in connection with the renovation of the Junction City Opera House. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to zero with one abstention.
- c. The consideration and approval of **Resolution, R-2553** to authorize the offering for sale of General Obligation Bonds, series DU; General Obligation Water and Sewer System Refunding Bonds, Series DV; General Obligation Temporary Notes, Series 2009-B; and Taxable General Obligation Temporary Notes, Series 2009-C of the City of Junction City, Kansas. City Manager, Rod Barnes, stated that the following projected are included in R-2553:

#### **Description**

Tackwell Addition - Street, Sanitary Sewer and Water Main Improvements  
Sutter Woods Addition - Sanitary Sewer, Storm Sewer and Water Main Improvements  
Sutter Woods Addition - Street Improvements  
Sutter Highlands Addition - Sanitary Sewer, Storm Sewer and Water Main Improvements  
Sutter Highlands Addition - Street Improvements  
Village at Freedom Place Addition - Street, Sanitary Sewer and Water Improvements  
Olivia Farms Subdivision - Sanitary Sewer, Storm Sewer and Water Improvements  
Olivia Farms Subdivision - Street Improvements  
Junction City Middle School Addition Being a Replat of all of Junction City School Addition - Street, Sanitary Sewer, Storm Sewer and Water Improvements  
Hidden Valley Addition - Street, Sanitary Sewer and Water Improvements  
Falcon Ridge Addition - Street, Storm Sewer, Sanitary Sewer and Water Improvements  
A.C. Development Addition Unit No. 1 - Street, Sanitary Sewer, Storm Sewer and Water Improvements  
Oakwood Village - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements  
Rivendell Addition - Street, Sanitary Sewer, Storm Sewer and Water Main Improvements  
Stormwater Drainage Improvements - Hidden Valley Addition  
**TOTAL \$34,674,041**

David Arteberry with George K. Baum, stated that the DI Series can be refinanced at a lower rate which can eliminate the 2009 payment and the City can put the money that was budgeted for this payment into the reserve fund. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Resolution R-2553 to authorize the offering for sale of General Obligation Bonds, series DU, General Obligation Water and Sewer System Refunding

Bonds, Series DV; General Obligation Temporary Notes, Series 2009-B and Taxable General Obligation Temporary Notes, Series 2009-C of the City of Junction City, KS. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to zero with one abstention.

- d. The consideration and approval of **Ordinance S-3057** an ordinance authorizing and providing for the issuance of General Obligation Bonds, Series DU and General Obligation water and sewer system refunding bonds, Series DV, of the City of Junction City, Kansas; making certain covenants and agreements to provide for the payment and security thereof; providing, if necessary for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto (First Reading). Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Ordinance S-3057 authorizing and providing for the issuance of General Obligation Bonds, Series DU and General Obligation water and sewer system refunding bonds, Series DV, of the City of Junction City, Kansas. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **Ordinance S-3056** to annex the land known as Elmdale Road (**First Reading**). City Manager, Rod Barnes, informed the Commission that the County has signed the consent for this annexation. Only the road will be annexed; there are not any properties involved. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance S-3056 to annex the land known as Elmdale Road (First Reading). Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried four to one.
- f. The consideration and approval of a **Request to submit Assistance to Firefighters grant** for a new ladder truck at an approximant cost of \$100,000.00. Fire Chief, Mike Steinfort, informed the Commission that the City's match if awarded the grant will be 10%. The current ladder truck trade-in would count as the City's 10% match. Any remainder owed would come from the reserve fund. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the request to submit the Assistance to Firefighters Grant for a new ladder truck at an approximate cost of \$100,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of a **submission of applications for various stimulus grants** under the American Recovery and Reinvestment Act of 2009. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the submission of applications for various stimulus grants under the American Recovery and Reinvestment Act of 2009. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of the **Union Contract Agreement** between the City of Junction City and International Association of Firefighters, Local #3309 for the fiscal years of 2010 and 2011. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Union Contract Agreement between the City of Junction City and the International Association of Firefighters Local #3309 for the fiscal years of 2010 and 2011. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Talley stated that he appreciates the staff working together and all their efforts in this process.

#### COMMISSIONER COMMENTS

**Commissioner Taylor** stated he had received several complaints concerning the lighting at Olivia Farms. Mr. Barnes stated that the issue had to do with DS&O meter lighting and street lighting. City staff will bring a resolution for Commission consideration at the April 21<sup>st</sup>

meeting. The current housing has lighting. City Engineer, Christina Cook, has worked on this issue and has figured out what needs to be done. Commissioner Taylor inquired about the blue dumpster on 6<sup>th</sup> Street next to the Bartell. Assistant City Manager, Mike Guinn, stated that the dumpster was there for the remodeling debris from the fire that had occurred. The company had a delay in their start date; however, they plan to begin on April 13<sup>th</sup>.

**Commissioner Rhodes** requested an update on Empire Today. Mr. Barnes stated that the CPA firm has completed their audit and found that Empire Today was not in compliance in 2008. Empire Today has paid the penalty of non-compliance. The building is leased until February 2010. Economic Development Director, Jeffrey Black, stated that the EDC is working with a company that would like to assume the development agreement as is. Mr. Black will report back to the Commission once more information is available.

## STAFF COMMENTS

**Assistant City Manager, Mike Guinn**, stated that the Codes Department has moved to the basement of the Municipal Building and the Secretary is now located in Customer Service. Cross training of the Customer Service Representatives will occur soon. EDC will be able to move into the building across the street next week. City staff will prepare media releases to inform the public.

## EXECUTIVE SESSION

- a. Commissioner Talley moved, seconded by Commissioner Rhodes to adjourn into executive session at 8:33 p.m. to reconvene by 8:53 p.m. to discuss attorney-client privileges. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the Assistant City Manager, and the City Attorney.


Commissioner Rhodes moved, seconded by Commissioner Heldstab to reconvene into regular session at 8:53 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 8:55 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 21<sup>st</sup> DAY OF APRIL 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR APRIL 7, 2009.

  
Tricia Gowen, City Clerk

  
Mick Wunder, Mayor